



**TOWN OF TRURO**  
**Conservation Commission**  
24 Town Hall Road  
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Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

**Minutes of Public Meeting**

**February 1, 2016**

**6:30 P.M.**

**Selectmen's Meeting Room**

**Members Present:** Jim Bisceglia, Larry Lown, Linda Noons-Rose, Diane Messinger

**Others Present:** Emily Beebe, Assistant Health/Conservation Agent

In the absence of the Chair and Vice Chair, Commissioners Lown and Messinger agreed to co-chair the meeting.

**Herring River restoration project update**

Martha Rheinhardt, the Herring River project manager provided an update of the Herring River restoration project as it applies to the Town of Truro. The towns of Wellfleet, Truro and the Cape Cod National Seashore are partners in the restoration effort. The group is looking at low lying roads in the Herring River Watershed where roads will need to be elevated. Overall ecological benefits of the project include improved water quality, increased sediment deposition, re-establishment of salt marsh plants, increased tidal flushing, removal of exotic plants and improved migratory fish habitat. Social benefits include pollution control; restored public access for boating, hiking, education, birding, fishing; improved shellfish water quality; reduced mosquitos and community economic activity.

- Regulatory steps include draft FEIS/EIR and record of decision, development of regional impact, Wetland Protection Act, Wellfleet and Truro bylaws, Clean Water Act, Water Quality Certification, Chapter 91, CZM consistency and Coast Guard.
- Project Timeline:
  - 2016- Final EIS and record of Decision, work with property owners, prepare permit ready designs.
  - 2016-2017- obtain permits
  - 2016-2018- secure project funding
  - 2017-2018- complete design
  - 2018-2019- begin construction
- Project Scope:
  - The overall project is a 1,000 acre tidal restoration project to be managed incrementally over several years. It will remove existing tidal restrictions including the tide gate at the mouth of the river and will make existing culverts larger.
  - Low lying roads will need to be elevated above normal high tide levels and

- extreme high tides. When the roads are elevated, other improvements to make roads passable during storm events can be done.
- Low lying roadway designs include various approaches to side slope treatments and storm water management.
  - Design elements include culvert gate design, road alignment, traffic management, drainage/utilities, minimal impacts on private properties and wetlands.
  - 2.7 miles of the project are in Truro and the rural character of the roads will be maintained; they will stay within the existing right-of-way.
  - At some point within the permitting phase the group will file a Notice of Intent with the Town for this low lying roadwork. In part, this presentation presents some of the options that will be discussed in the future about how to address elevated roadway side slopes, drainage and the wetlands associated with this project.
  - A slope of 3:1 on the sides of the road would maintain a natural vegetated slope.
  - Vertical retaining walls may be required or desired in some areas to reduce wetland impacts. There will be some die-back of freshwater plants, and there is a vegetation management plan, especially for trees and shrubs.
  - The estimated cost of the project will be between \$40-50 million. Fund raising is underway; most money will come from various sources at the State and Federal level.
  - There are about 35 private property owners in the flood plain that will be affected and properties are being assessed for potential septic or structural impacts.

If members of the public would like to participate or support the project they should visit the Friends of Herring River website or talk to their Town representative.

### **Public Hearings**

Commissioner Messinger announced that the Truro Conservation Commission holds the following public hearings in accordance with the provisions of Massachusetts General Law, Ch. 131 s. 40, the Wetlands Protection Act and the Town of Truro Conservation Bylaw Ch. VIII.

**214 and 216 Shore Rd (off Beach Point Landing) Notice of Intent, Daniel Smith, Aquaculture Grant Site, SE# 75-0966:** Re-opening of hearing for new aquaculture grant site. Application was continued from 12/7/15. Harbor Master Tony Jackett updated the Commission noting that the Board of Selectmen approved the application with conditions. He further stated that before the Commission could act, the Division of Marine Fisheries must conduct their biological survey and submit their report to the Town. **Motion to continue to the March 7, 2016 meeting by Lown; seconded by Bisceglia. The motion was approved unanimously.**

**29 Great Hills Rd, Notice of Intent, owners George A. Vaida and Sylvie A. Abi-Younes, SE# 75-0969:** Re-opening of hearing, continued from 1/4/16. The application is for construction of a new garage, pool, patio, retaining wall and pervious driveway in the buffer zone to a Coastal Bank and within the 200' Riverfront area. Dave Lajoie from

FELCO engineering represented the property owner. The Commission reviewed revised plans dated 1-12-16 showing relocation and reconfiguration of the proposed in-ground gunite pool. A 3' retaining wall is located on the river-side to address proposed grades. The previously approved garage has been relocated in this proposal. There was discussion about possible impacts from pool construction, and concern about water quality impacts from draining the pool. The Conditions will specify that the water shall be pumped out and taken off-site. A neighbor, Jack Reimer, addressed the Commission with concerns about the prominence of this site, located on the top of the hill; he referenced Truro's Comprehensive Plan and the goal to retain Truro's rural character. Lown stated that the Conservation Commission's job is to protect the resource areas and did not regulate the appearance of projects. With no further discussion Commissioner Messinger closed the public hearing. **Motion to approve the Notice of Intent with the usual conditions and special conditions by Bisceglia; seconded by Messinger. The motion was approved unanimously.**

**2 Corn Hill Path, Notice of Intent, David and Christine Daglio, owners, SE# 75-0971:** Re-opening of hearing, continued from 1/4/16 to repair the existing drift fencing. Jason Ellis represented the project for the applicants. The proposal includes adding 290 cubic yards of sand nourishment behind the fence. The nourishment will be done when the fence is repaired. The elevated deck/walkway will be reduced in length by being pulled back to within 2-3 ft. from the toe of the bank. Work is expected to be completed by April 1, 2016. **Motion to approve the Notice of Intent with the usual conditions and incorporating the Truro fence guidelines as special conditions by Lown and seconded by Messinger. The motion was approved unanimously.**

**4 Payomet Ln, Notice of Intent, Robert Sachs and Caroline Taggart, owners, SE# 75-0972:** Re-opening of hearing, continued from 1/4/16 to repair the existing drift fencing. Jason Ellis represented the project for the applicants. 290 cubic yards of sand nourishment is proposed and will be added behind the fence when the fence is repaired. **Motion to close the public hearing by Lown; seconded by Noons-Rose. The motion was approved unanimously.**  
**Motion to approve the Notice of Intent with the usual conditions and incorporating the Truro fence guidelines as special conditions by Lown and seconded by Noons-Rose. The motion was approved unanimously.**

**35 & 37 Knowles Heights Rd, Notice of Intent, Jeffrey & Suzanne Bloomberg, owners, SE# 75-0974:** The hearing was opened for the project to construct a pool, deck, hot tub and retaining wall, portions of which are within the buffer zone of the Coastal Bank. Chet Lay represented the owners. The Commission noted that the work-limit was not closed and left a large portion of the buffer zone unprotected; Mr. Lay offered to extend the work limit 15 ft. north of the retaining wall and connect to the work limit proposed on the site plan. Drainage of the proposed pool was discussed; if it needed to be drained the water will be trucked off-site. The pool will be made of gunite and will be 3-4 ft. deep. **Motion to close the public hearing by Bisceglia; seconded by Lown. The motion was approved unanimously.**  
**Motion to approve the Notice of Intent with the usual conditions and special**

**conditions by Lown; seconded by Messinger. The motion was approved unanimously.**

**36 Corn Hill Rd, Notice of Intent, Katherine Black, owner SE# 75-0973:** The application described construction of a detached garage with an upstairs apartment located at the outside edge of the buffer zone of the Coastal Bank. David Lajoie of Felco Engineering and Tim Dickey, of Tim Dickey Design Build presented the project. Mr. Dickey presented a revised elevation sketch dated 2-1-16 showing a small deck at the second floor egress with stairs to the ground. This addition required notation on the FELCO site plan, with the revision dated 2-1-16. Mr. Lajoie stated that alternative sites to locate the structure outside the buffer were explored, but were not feasible. They proposed to replant disturbed areas with native species. A planting schedule is noted on the site plan. Numerous black locust tree will be removed for the project. The driveway will be gravel; no new pavement will be added. **Motion to close the public hearing by Messinger; seconded by Lown. The motion was approved unanimously. Motion to approve the Notice of Intent with the usual conditions and special conditions by Messinger and seconded by Bisceglia. The motion was approved unanimously.**

#### Agenda Items

**1 Merryfield Path, Request for Change in Plans, Steve Corkin, owner, SE# 075-0905:** A letter was submitted by Eric Winslow requesting allowance for 12-18" wide stone trenches with 6" depth, instead of gutters to drywells as required in the Order. **Motion to approve the change in plans by Lown; seconded by Messinger. The motion was approved unanimously.**

#### Conservation Commission Fee Schedule

No discussion.

**Motion to continue until the March 7, 2016 by Lown; seconded by Bisceglia. The motion was approved unanimously.**

#### Meeting Schedule

In the DEP regulations 310 CMR 10.05, it states that a complete application received by the Commission must be acted upon within 21 days. The current meeting schedule does not always allow for that. Presently, an application submitted more than 21 days from the next meeting will trigger a request from the office for the applicant to sign a waiver of the 21 day requirement; the waiver cannot be required of the applicant. The Commission was advised that there will need to be extra meetings this year to address this requirement.

#### Certificate of Compliance

**4 Francis Road, Rose D'Arezzo, owner, SE# 75-0940:**  
**Motion to approve the Certificate of Compliance by Messinger; seconded by Bisceglia. The motion was approved unanimously.**

**Motion to adjourn by Bisceglia; seconded by Messinger. The motion was approved unanimously.** The meeting adjourned at 8:17 p.m.

**Minutes of Site Visits**  
**February 1, 2016**

**1:15 p.m. Met at Cobb Library parking lot**

**Members Present:** Jim Bisceglia, Larry Lown, Diane Messinger

**Others Present:** Emily Beebe, Asst. Health/Conservation Agent; Nicole Smith,  
Secretary

**36 Corn Hill Rd:** The property was staked; the Commission viewed the area where the proposed garage would be located. The property owner came out to meet the Commission and answered questions about why the garage was proposed on the north side of the lot. She responded that the septic was located on the south side.

**35 & 37 Knowles Heights Rd:** The project had been staked; the Commission viewed the proposed location of the hot tub and lap pool.

**Site visits concluded at 2:30 p.m.**

Respectfully Submitted,

Nicole Smith, Secretary